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MONSTER ENERGY COMPANY,
a Delaware corporation,

Plaintiff,

v.

JOE ENTERPRISE INC., a
Massachusetts corporation; and
JAMES FINNEY, an individual,

Defendants.

Case No. 5:22-cv-01458-AB-SP

**SECOND STIPULATION TO
MODIFY THE PRETRIAL
SCHEDULING ORDER**

Hon. André Birotte, Jr.

1 Plaintiff Monster Energy Company (“Plaintiff” or “Monster”) and
2 Defendants JOF Enterprise Inc. and James Finney (“Defendants”), by and
3 through their undersigned counsel, hereby enter into this Second Stipulation To
4 Modify The Pretrial Scheduling Order, pursuant to Local Rule 7-1, as follows:

5 WHEREAS, the Court previously entered a Schedule for pretrial and trial
6 dates for this case;

7 WHEREAS, on April 12, 2023, the parties entered into a Stipulation to
8 Modify the Pretrial Scheduling Order (Dkt. No. 24), in order to pursue
9 negotiations for a possible settlement of all disputes between them;

10 WHEREAS, on April 18, 2023, the Court granted that Stipulation (Dkt.
11 25);

12 WHEREAS, the parties have continued to discuss settlement, and have
13 exchanged a draft agreement;

14 WHEREAS, Monster has diligently pursued discovery in this case, and due
15 to delays caused by the serious illness of the individual defendant, has been unable
16 to meaningfully conduct discovery to date;

17 WHEREAS, Monster has initiated the meet and confer process under L.R.
18 37-1 regarding a discovery dispute, and has provided Defendants with Monster’s
19 portion of a Joint Stipulation regarding the discovery dispute;

20 WHEREAS, the parties require additional time to continue their settlement
21 discussions and complete discovery in this case; and

22 WHEREAS, the parties currently believe that extending the deadlines will
23 allow the parties sufficient time to pursue settlement and potential resolution of
24 their disputes, and to complete discovery if settlement efforts are unsuccessful.

25 The parties hereby stipulate and move the Court to amend the Pretrial
26 Scheduling Order to enable the parties additional time to pursue settlement and
27 complete fact discovery. The parties request that the schedule be amended as
28 follows:

Event	Date in Scheduling Order (Dkt. 32)	Proposed New Date
Non-Expert Discovery Cut-Off	7/28/2023	9/26/2023
Opening Expert Witness Disclosures	8/25/2023	10/24/2023
Rebuttal Expert Witness Disclosures	09/29/2023	11/28/2023
Expert Discovery Cut-Off	10/20/2023	12/19/2023
Last Day to Hear Motions	11/17/2023	01/16/2024
Deadline to Complete Settlement Conference	12/1/2023	01/30/2024
Trial Filings (first round)	1/19/2024	03/19/2024
Trial Filings (second round)	1/26/2024	03/26/2024
Final Pre-Trial Conf.	2/9/2024	04/12/2024
Trial	2/27/2024	04/30/2024

THEREFORE, the parties respectfully request this Court adopt the proposed modification to the schedule for this case and extend dates in the current schedule as set forth in this stipulation.

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: June 30, 2023

By: /s/ Jacob R. Rosenbaum

Steven J. Nataupsky

Lynda J. Zadra-Symes

Paul A. Stewart

Jacob R. Rosenbaum

Attorneys for Plaintiff,
MONSTER ENERGY COMPANY

THE RAPACKÉ LAW GROUP, P.A.

Dated: June 30, 2023

By: /s/ Phillip Horton
Phillip Horton

Attorneys for Defendants
JOF ENTERPRISE, INC. and JAMES FINNEY

AUTHORIZATION FOR SIGNATURE

The other signatory to this document concurs in this filing and has authorized the use of his signature.

/s/ Jacob R. Rosenbaum

Jacob R. Rosenbaum

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